

Application Serial No.: 10/655,1-3
Reply to Office Action of September 18, 2008

Atty. Dkt. No.
UCF-375

COPY

REMARKS/ARGUMENTS

Favorable consideration of the above claims is respectfully requested.

Claims 27, 29, 32 and 33 are pending. Claims 1-26, 28, 30 and 31 were previously canceled. In the present amendment, Applicants have amended independent claim 27 to eliminate the confusing phrase, "in the body" when claiming the method for enhancing survivability of living brain cells by the *in-vitro* treatment of brain cell cultures. Support for the amendments to Claim 27 are from common knowledge that treatment *in-vitro* is not "in the body." Webster's Ninth New Collegiate Dictionary (1983), page 637, defines *in-vitro*: "outside the living body and in an artificial environment." No new matter is added by the amendments deleting an inappropriate phrase.

Claims 32 and 33 are amended to separately claim a further method of administering cerium oxide nanoparticles to living biological cells, *in-vivo*. Support for the amendment to Claim 32 regarding "selecting a patient suffering from vascular disease" is found in original claim 11 and on page 7, lines 10-16. The amendment to Claim 33 is to correctly indicate that it is dependent on Claim 32. Support for the amendment is found in original claim 11. No new matter is added by the amendments.

Specially engineered non-agglomerated particles of cerium oxide enhance the longevity and increase the survivability of living biological cells *in-vitro* and *in-vivo* by acting as a regenerative free radical scavenger that is in contact with living biological cells and are biologically available for multiple rounds of free-radical scavenging.

Turning now to the Claim Rejections under 35 USC §112 on page 2 of the Office Communication of September 18, 2008, the Examiner states that "Claims 27, 29, 32 and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written

Application Serial No.: 10/655,443
Reply to Office Action of September 18, 2008

Atty. Dkt. No.
UCF-375

description requirement.... Particularly, there is no written description of taking the culture of treated *in vitro* brain cells and implanting or administering them *in vivo* to any area of the body." The Examiner continues, "Further, there is no written description of applying a culture of treated brain cells to a stent to treat vascular damage associated with vascular disease and inflammatory response."

The Examiner continues with a suggestion that ... "the claim language 'in the body' in claim 27 (line 2) be removed in order to keep the claim consistent with *in vitro* methods. Therefore, claim 32 can be written in independent form for the *in vivo* method..."

In a telephone interview with the Examiner on September 23, 2008, Joyce Morlin discussed the above rejections and thanked the Examiner for the suggestions provided to overcome the rejection of Claims 27, 29, 32 and 33 under 35 U.S.C. §112. No specific language was agreed to in the discussion; however Applicants have amended Claims 27, 32 and 33 to conform to the teachings in the specification and have separately claimed the invention when applied *in-vitro* and when applied *in-vivo*.

Applicants respectfully request the withdrawal of the rejection of Claims 27, 29, 32 and 33 under 35 U.S.C. §112 in view of the above amendments which are supported by the specification.

The application and claims are believed in condition for allowance; allowance is respectfully requested.

If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Application Serial No.: 10/655, - - 3
Reply to Office Action of September 18, 2008


Atty. Dkt. No.
UCF-375

Respectfully submitted,

Date:

Customer No.: 23717

9/27/08


Brian S. Steinberger
Registration No. 36,423
101 Brevard Avenue
Cocoa, Florida 32922
Phone (321) 633-5080
Facsimile (321) 633-9322

COPY